

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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DAMIEN S. HEWLETT,

Plaintiff,

v.

Case No. 22C1376

JASON HILL,

AND

ZACHARY LANGE,

Defendants.

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**DEFENDANTS' PRETRIAL REPORT**

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Defendants Jason Hill and Zachary Lange, by and through their attorneys, Wisconsin Attorney General Joshua L. Kaul and Assistant Attorney General Sarah A. Huck, respectfully submit the following Pretrial Report pursuant to Civil L.R. 16(c).

**A. Summary of the Facts, Claims, and Defenses**

Plaintiff Damien Hewlett is proceeding on a claim that Defendants Zachary Lange and Jason Hill were deliberately indifferent on September 19, 2022 by allegedly ignoring Hewlett's statements he felt suicidal, Hewlett beating his head against his cell door, and that Hill allegedly started bullying Plaintiff calling him a derogatory name and telling him nobody would care if he killed himself. Hewlett asserts he caused injury himself.

Defendants Lange and Hill left Plaintiff's cell front and Plaintiff contends he continued banging his head on his cell door and cut his left arm. At some time period after Defendants left his cell, Hewlett tied a sheet around his neck to which other staff responded.

Defendants deny that Hewlett made such statements to them, that they observed him banging his head or causing cuts to his arm, or that they made any derogatory statements or statements that no one would care if he hurt himself to him.

**B. Statement of the Issues**

Plaintiff has been allowed to proceed on an Eighth Amendment deliberate indifference claim based on Defendants allegedly ignoring his requests to be placed on observation status and failing to intervene to stop his self-harming behavior on the evening of September 19, 2022.

**C. Names and Addresses of Witnesses<sup>1</sup> Expected to Testify**

Witnesses likely to testify:

1. Jason Hill
2. Zachary Lange

Witnesses who may be called:

3. Scott Kinnard
4. Mallory Born or other Records Custodian
5. Jill Wenzel or Ann York or other Health Services Records Custodian

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<sup>1</sup> Defendants' witnesses can be contacted through undersigned counsel.

6. Plaintiff and any witness on Plaintiff's witness list regardless of whether Plaintiff calls the witness at trial.

**D. Background of Expert Witnesses**

The Defendants do not intend to call any expert witnesses.

**E. List of Exhibits to be Offered at Trial**

1. Exhibit 1000 – Excerpt of Plaintiff's Health Services Unit records
2. Exhibit 1001 – 9/19/2022 Video
3. Exhibit 1002 – 9/19/2022 Video
4. Exhibit 1003 – 9/19/2022 Emergency Call Log
5. Exhibit 1004 – 9/19/2022 Second and Third Shifts Logbook
6. Exhibit 1005 – Incident Report Completed by Lieutenant Scott Kinnard regarding September 19, 2022 incident
7. Exhibit 1006 – Division of Adult Institutions Policy #500.700.25 Suicide Prevention of Adult Correctional Facilities in effect on January 25, 2021
8. Exhibit 1007 – Jason Hill's September 19, 2022 timesheet
9. Exhibit 1008 – Zachary Lange's September 19, 2022 timesheet
10. Exhibit 1009 – Damien Hewlett Bed Assignments
11. Exhibit 1010 – Hewlett Judgment of Conviction
12. Exhibit 1011 – B217 Cell Hallway Depiction
13. Any exhibit listed on Plaintiff's pretrial report regardless of whether Plaintiff offers the exhibit at trial
14. Any exhibit necessary for rebuttal or impeachment

**F. Designations of Deposition Transcripts**

None.

**G. Time Needed to Try the Case**

One to two days.

**H. For a Jury Trial**

1. Defendant's Proposed Voir Dire is attached as **Exhibit A**.
2. Defendant's Proposed Jury Instructions are attached as **Exhibit B**.
3. Defendant's Proposed Verdict Form is attached as **Exhibit C**.

Dated: September 5, 2024.

Respectfully submitted,

JOSHUA L. KAUL  
Attorney General of Wisconsin

s/Sarah A. Huck  
SARAH A. HUCK  
Assistant Attorney General  
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